

SAN ANTONIO VESTED RIGHTS TASK FORCE MINUTES
January 26, 2005
DRAFT as of 1/28/05

Present

Susan Wright, *Chair*
Robert Hanley
Mitch Meyers
Carroll Schubert

Art Hall
Julian Castro
Dr. Francine Romero

THE VESTED RIGHTS TASK FORCE CONVENED IN THE BOARD ROOM AND TOBIN ROOM OF THE ONE STOP BUILDING AT 8:00 A.M. TO DISCUSS THE FOLLOWING:

- 1. The Vested Rights Task Force did not recess into an executive session.**
- 2. Deliberation and consideration of vested rights issues.**

The draft revised Unified Development Code (UDC) as of 1/25/05 was discussed:

- Susan Wright distributed a list of topics to be discussed that were left unresolved as follows:
 - a) Zoning Changes- Must you have the proper zoning when filing your Permit and Project Affidavit? (*Decision- yes*)
 - b) Project Affidavits- Voluntary or required? (*Decision- voluntary*)
 - c) Utility Svc Agreement- Review Utility Regulations- is it a permit? (*Decision- yes, if it is required. No, if it is not required.*)
 - d) Project Initiation Date- Need to clarify (*Decision-need to clarify at 1/31 meeting*)
 - e) Limited Change in Acreage Proposed for Previously Identified Use- Clarify what loses vesting if change exceeds 10% (discuss scenario of selling pods to other owners.) Clarify with staff current City interpretation. (*Interpretation of the current UDC- only the area that exceeds 10% change in acreage will lose vesting. This issue will be discussed further at the 1/31 meeting*)
 - f) Completion of a Project- Do all projects get 20 years if they show progress? What about longer term projects showing progress (100% of land has been platted?) Define progress; Options: 1) % of fair market value 2) platting- (*Will be discussed at 1/31 meeting*)
 - g) Consent Agreements- Appeal process? Time Limits for staff decision (*Will be discussed at 1/31 meeting*)
 - h) Denials- Written denial within 20 days- all reasons why denied (*Will be discussed at 1/31 meeting*)
 - i) Projects Initiated on or after September 25, 1997 and before June 4, 2001- (*Will be discussed at 1/31 meeting*)
 - j) Dormancy- (*Will be discussed at 1/31 meeting*)
 - k) Presumption of No Project without Project Affidavit- (*This presumption can be overruled by staff if the applicant can show that a project is identified in a permit application.*)
 - l) School Districts?- (*Will be discussed at 1/31 meeting*)
- Andrew Martin will review the draft revised UDC to make sure a project is not granted vested rights pending some future action, i.e. approval of a permit, zoning, etc.
- The Vested Rights Task Force voted and approved to give an applicant 30 days after filing a permit to file a Project Affidavit form in order to get vested rights acknowledged back to the date of that specific permit. Otherwise, the applicant must file a Project Affidavit form with a future permit application.

1/26/05

- In regards to the “filing” date of a Project Affidavit form, staff should be aware that they may refuse to accept an application if it is incomplete. Andrew Martin will add a new section in the UDC to address this issue.
- The Project Affidavit form should be part of the UDC. Any changes to the form will go through the UDC amendment process. The language will read “Project Affidavit form adopted as Appendix ____”.
- The Project Affidavit Form, as revised, was approved unanimously as seen attached.

3. Approval of December 17, 2004 & January 19, 2005 minutes- Postponed to 1/31/05

Susan M. Wright, Chair

Attest:
Andrew Martin
City Attorney